



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference H 3546 WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AT2003/000340	International filing date (day/month/year) 12 November 2003 (12.11.2003)	Priority date (day/month/year) 12 November 2002 (12.11.2002)	
International Patent Classification (IPC) or national classification and IPC F16F 15/26			
Applicant MAGNA STEYR POWERTRAIN AG & CO KG et al.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (*sent to the applicant and to the International Bureau*) a total of 5 sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 09 June 2004 (09.06.2004)	Date of completion of this report 06 December 2004 (06.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- The international application as originally filed/furnished

- the description:

pages _____ 4-6 _____, as originally filed/furnished
 pages* _____ 1-3 _____ received by this Authority on _____ 25 August 2004 (25.08.2004)
 pages* _____ received by this Authority on _____

- the claims:

pages _____, as originally filed/furnished
 pages* _____, as amended (together with any statement) under Article 19
 pages* _____ 1-6 _____ received by this Authority on _____ 25 August 2004 (25.08.2004)
 pages* _____ received by this Authority on _____

- the drawings:

pages _____ 1/2-2/2 _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 6	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 6	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: PATENT ABSTRACTS OF JAPAN Vol. 2000, No. 13,
5 February 2001 (2001-02-05) & JP 2000 283238 A
(SUZUKI MOTOR CORP), 13 October 2000 (2000-10-13)

Document D1 is considered the prior art closest to the subject matter of claim 1. It discloses (the references in parentheses are to D1):

A balance shaft (2) for use in reciprocating piston engines, with at least one counterweight (9) with an eccentric center of gravity, said counterweight being connected to the balance shaft in a torsionally flexible manner.

The subject matter of claim 1 thus differs from the known balance shaft in that the rim zones of the counterbalance surround the balance shaft and in that a window is formed in the longitudinal direction between said rim zones, in which window is provided an elastic element that is supported on the balance shaft in the circumferential direction.

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

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The problem to be solved by the present invention can thus be seen as that of effectively reducing noise in a balance shaft unit at the lowest possible production costs.

The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

Although connecting a counterbalance to a balance shaft in a torsionally flexible manner is known *per se*, connecting a counterbalance of the present type in a torsionally flexible manner, or the idea of doing so, cannot be found in the prior art.

Claims 2-6 are dependent upon claim 1 and thus likewise satisfy the PCT requirements with respect to novelty and inventive step.